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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,087	11/21/2003	Colin G. Caro	30675/39744A	2254

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EXAMINER

NGUYEN, HOANG M

ART UNIT PAPER NUMBER

3748

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/719,087

Applicant(s)

CARO ET AL.

Examiner

Hoang M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Applicant's amendment dated October 20, 2005, has been fully considered.

Applicant has amended his claims to include two new limitations "continuously curving" and "does not lie within a plane" and argued the applied references do not teach those subject matter. First, the Examiner has reviewed the specification and drawing and it's concluded that those new limitations are new matter, which were not in the specification, as originally filed. Thus, a rejection under 35 USC 112, 1st paragraph has been made. Also, the drawings are objected to for failing to show the claimed subject matter, please provide additional drawings to point out in details what exactly Applicant intend to recite by "continuously curving" and "does not lie within a plane". The original drawings simply show the normal pipes without the main heart of the invention.

The Examiner has carefully reviewed each applied reference, and it's concluded that all three references meet all claimed limitations. DE 19733941 discloses in both figures 2-3 that the pipe are curving to connect two elbows in different planes. Because the two elbows are in different planes, the pipe are curving to connect the elbows and are clearly having the centerlines continuously in three dimensions.

Shen and Grunwald also disclose similar limitations as DE 19733941, the elbows are used to connect pipes and clearly have the centerline curving in three dimensions. If Applicant decides to maintain his arguments, Applicant is requested to provide a

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drawings and point out in details how his centerline are curving in three dimensions.

Please note that the term "continuously" is new matter and is not allowed to add in to this application at this time.

For the reasons set forth above, this Office Action has been made FINAL with all ground of rejections are maintained.

The drawings are objected to for not showing critical claimed invention, new drawings are requested as noted above.

Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has amended his claims to include two new limitations "continuously curving" and "does not lie within a plane" and argued the applied references do not teach those subject matter. First, the Examiner has reviewed the specification and drawing and it's concluded that those new limitations are new matter, which were not in the specification, as originally filed. Thus, a rejection under 35 USC 112, 1st paragraph has been made. Also, the drawings are objected to for failing to show the claimed subject matter, please provide additional drawings to point out in details what exactly

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Applicant intend to recite by "continuously curving" and "does not lie within a plane".

The original drawings simply show the normal pipes without the main heart of the invention.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, are rejected under 35 U.S.C. 102(b) as being anticipated by DE 19733941.

DE 19733941 discloses a pipe for a turbine comprising elbows 1 and 5 having rigid portion with centerline curving in three dimension (note figure 2).

Claims 1, 4, are further rejected under 35 U.S.C. 102(b) as being anticipated by US 6179342 (Shen).

Shen discloses a pipe for a turbine comprising elbows 24 having rigid portion with centerline curving in three dimension.

Claims 1, 4, are further rejected under 35 U.S.C. 102(b) as being anticipated by US 5054819 (Grunwald).

Grunwald discloses a pipe for a turbine comprising elbow 20 having rigid portion with centerline curving in three dimension.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 19733941 in view of U.S. 5255507 (Gounder). DE 19733941 discloses all the claimed subject matter as set forth above, but does not disclose a condenser and a boiler. Gounder is relied upon to disclose it's well known to connect a steam turbine with a condenser 44 and a boiler 32. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to connect the turbine in DE 19733941 with a boiler and a condenser as taught by Gounder for the purpose of forming a steam turbine cycle to produce works.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (571)-272-4859. The fax phone number for the Examiner is (703) 872-9306 for regular communication, and (703) 872-9303 for after final communication.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3700.



HOANG NGUYEN  
PRIMARY EXAMINER  
ART UNIT 3748

11/12/05

Hoang Minh Nguyen  
11/12/2005